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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,186	01/02/2004	Patrick Ayoub	02-022.22	3368

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EXAMINER

VANTERPOOL, LESTER L

ART UNIT	PAPER NUMBER
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3782

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/751,186

Applicant(s)

AYOUB, PATRICK

Examiner

Lester L. Vanterpool

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 & 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 23, 2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lobanoff (U.S. Patent Number 7028872 B2). Lobanoff discloses the front cross car bar (10) (See Figures 4, 8 – 10, 12, 17, 24, 25 27 & 29) and the back cross car bar (10) (See Figures 4, 8 – 10, 12, 17, 24, 25 27 & 29) each of which is adapted to extend across the trunk space (17) (See Figures 1 – 3 & 5);

the pair of front recesses (26) (See Figure 10) and the pair of back recesses (26) (See Figure 10) each pair of which being located at respective opposite sides of the trunk space (18c) (See Figure 9) (See Column 9, lines 58 – 67), wherein the pair of front recesses (26) support respective opposite ends of the front cross car bar (10) (See Figure 10) and the pair of back recesses (26) support respective opposite ends of the back cross car bar (10) and the front (10) and back cross car bars (10) are respectively removably supported by the pairs of front (26) and back (26) recesses (See Figures 9 – 11) (See Column 9, lines 58 – 67); and

at least one storage container (9) (See Figures 2, 4, 5, 9 & 24) removably supported by the front (10) and back (10) cross car bars (See Figure 9) , wherein the storage container (9) fits over the front (10) and back (10) cross car bars so as to be supported by the front (10) and back (10) cross car bars (See Column 8, lines 16 – 19) (See Figures 8 & 9) and both of the front (10) and back (10) cross car bars are adapted to be stowed (2) in either of the pairs of front (26) and back (26) recesses (See Column 9, lines 58 – 67) (See Figures 8 – 11) when the trunk space storage system is not needed (See Column 8, lines 4 – 9) (See Figure 6).

***Claim Rejections - 35 USC § 103***

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lobanoff (U.S. Patent Number 7028872 B2) in view of Dixon (U.S. Patent Number 5713502).

Lobanoff discloses the invention substantially as claimed.

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However, Lobanoff does not disclose the length of each of the front and back cross car bars can be adjusted.

Dixon teaches the length of each of the front (30) and back (30) cross bars can be adjusted (See Column 2, lines 32 – 37) (See Figure 3) for the purpose of providing flexibility to accommodate various vehicle sizes and shapes.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the length of each of the front and back cross bars can be adjusted as taught by Dixon with the trunk space storage system of Lobanoff in order to enhance reliable fitting with various vehicles.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 & 7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented

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claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LLV



**JES F. PASCUA**  
**PRIMARY EXAMINER**